

CAUSE NO. 23-10253-431**EFD SPORTS, LLC,****Plaintiff,****v.****BALLY'S CORPORATION,****Defendant.**§
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§**IN THE DISTRICT COURT****431ST JUDICIAL DISTRICT****DENTON COUNTY, TEXAS****DEFENDANT BALLY'S CORPORATIONS'S ORIGINAL ANSWER**

Defendant Bally's Corporation ("Bally's") answers as follows to the petition filed by Plaintiff in the above referenced action:

GENERAL DENIAL

1. Defendant generally denies each and every allegation and demands strict proof thereon pursuant to Rule 92 of the Texas Rules and Civil Procedure.

SPECIAL EXCEPTIONS

2. Defendant specially excepts to the allegations contained in paragraphs 4.2-4.7, including that "Plaintiff and Defendant came to an agreement via SOW1 and SOW2" on the grounds that they fail to provide notice to Defendant of the basis for the allegation which is being made and fails to state sufficient facts that, if proven, are sufficient to state a legal claim for relief which is plausible on its face.

3. Defendant further specially excepts to the allegations contained in paragraph 4.2 that the parties "came to an agreement via SOW1 and SOW2" on the grounds that it fails to state the terms of the purported agreement, fails to provide notice to Defendant of the basis for the allegation which is being made, and fails to state sufficient facts that, if proven, are sufficient to state a legal claim for relief which is plausible on its face.

4. Defendant further specially excepts to the allegations contained in paragraph 4.8-4.11 on the grounds that they fail to state facts which provide notice to Defendant of the basis for the allegation which is being made and fail to state sufficient facts that, if proven, are sufficient to state a legal claim for relief which is plausible on its face.

5. Defendant further specially excepts to the allegations contained in paragraphs 4.12-4.15, including specifically that “Defendant made a representation” and “Defendant supplied false information” on the grounds that they fail to state facts which provide notice to Defendant of the basis for the allegation which is being made and fails to state sufficient facts that, if proven, are sufficient to state a legal claim for relief which is plausible on its face.

6. Defendant further specially excepts to the allegations contained in paragraphs 4.16-4.19, including specifically that “Defendant made representations and failed to disclose material facts to Plaintiff” on the grounds that they fail to state facts which provide notice to Defendant of the basis for the allegation which is being made and fails to state sufficient facts that, if proven, are sufficient to state a legal claim for relief which is plausible on its face.

7. Defendant further specially excepts to the allegations in paragraph 4.17 that “Defendant agreed to the terms of the Licensing Agreement but never intended to enter into same.” on the grounds that it fails to identify the basis for these conclusory allegations, that Defendant did not agree to any terms, and it fails to identify the alleged terms of the alleged agreement.

WHEREFORE, Defendant prays that its special exceptions be granted and Plaintiff ordered to replead, Plaintiff take nothing and its claims against Defendant be dismissed with prejudice, and that Defendant recover its costs and all other and further relief, at law or in equity, to which it may be justly entitled.

Respectfully submitted,

/s/ Blake A. Bailey

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**ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing document was served on the 30th day of January, 2024 via electronic service on all counsel of record in accordance with the Texas Rules of Civil Procedure.

/s/ Blake A. Bailey

Blake A. Bailey

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